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# CONSIDERATIONS

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ON THE

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BETWEEN

DEBTORS AND CREDITORS;

AND AN

ABSTRACT OF THE INSOLVENT ACTS.

WITH

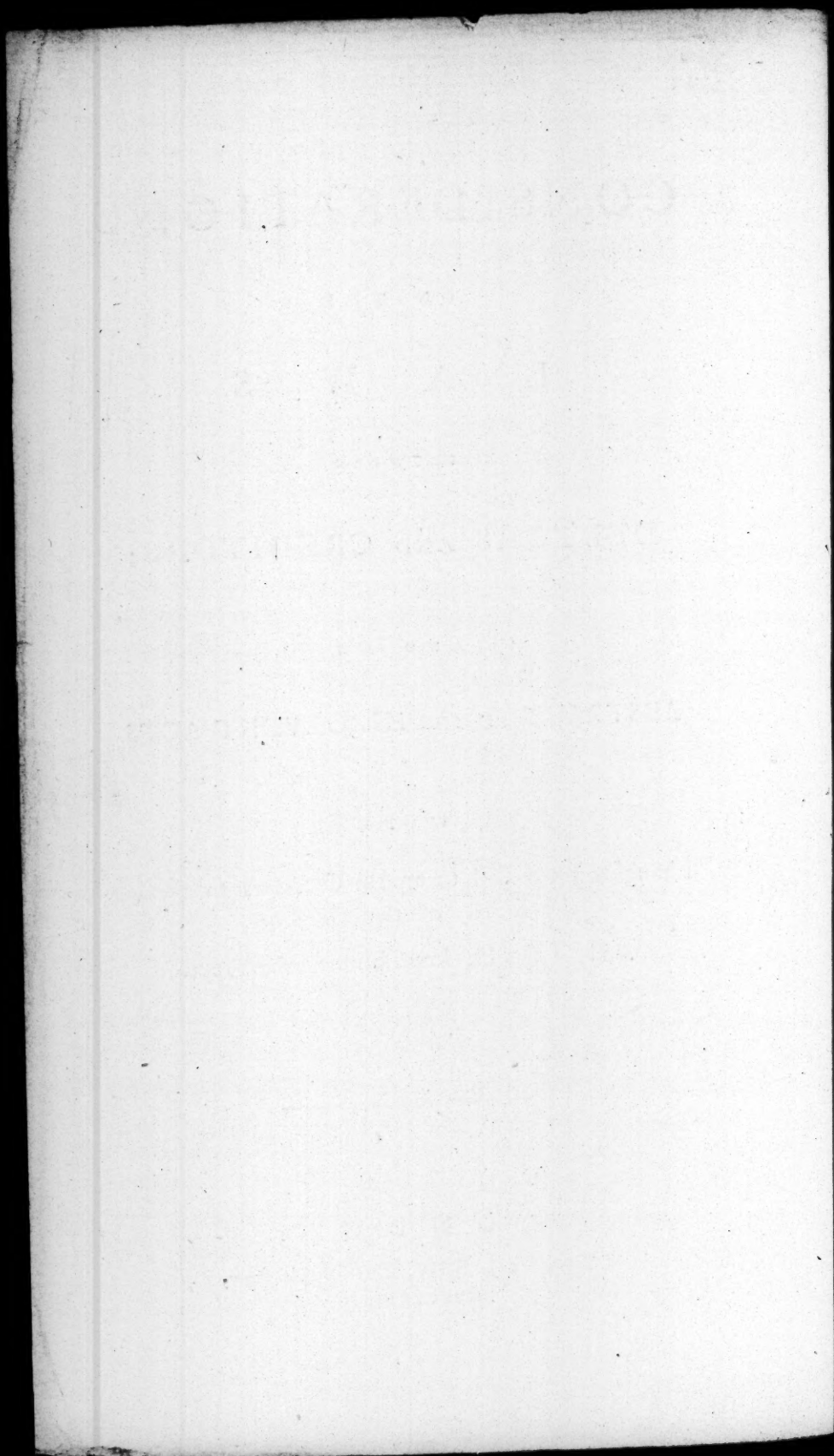
Thoughts on a Bill to enable Creditors to recover  
the Effects of their Debtors,

And to abolish Imprisonment for Debt.

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L O N D O N :

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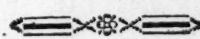
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# CONSIDERATIONS, &c.



**E**Xcepting the laws for the support of Government and the maintenance of the Poor, there does not appear to be any of more universal concern than the laws between Creditors and Debtors. No Man can buy or sell, borrow or lend, but he may have occasion to appeal to them. They are the laws that belong to every day's business, and equally concern every rank of the State.

But universal as these laws are required to be, and necessary as it is that they should afford every subject relief that has occasion to appeal to them, yet there are numberless cases in which no legal means can be used to oblige the Debtor to part with the property he has got to satisfy the just claim of his Creditors ; neither is there, on the other hand, any relief for the Debtor, when he has been deprived of all that he had by the most unavoidable losses, or is willing to surrender what he has left to the use of his Creditors ; as the laws now stand, Debtors of this description may be confined for their lives.

The number of these cases, both on the part of the Creditors and Debtors, is so great, the distress of many of them is so severe, and the consequences of that distress spread so far and involve so many in it, that a person, considering the evidence of  
this

this distress, and acquainted in any degree with the wisdom and justice that run through the laws of England, cannot help wondering that any such defect should remain, for a single session of Parliament, in laws of such common use to the subjects, as to occasion so much distress among them, and for which no remedy is provided. As, for instance, in —

*The Case between a Creditor and Debtor  
who can pay in whole or in part, but  
will not.*

The Creditor has trusted the Debtor with his property, under any of those appearances to which credit is now commonly given: and for examples of the number of appearances designing men may assume for the purpose of gaining credit, I would refer to the list of them collected with so much industry, and published by *Doctor Smith* last  
year,



year, in his *Observations on the Laws relative to Debtors and Felons*. Under these, or any other appearances, the Creditor has let his property go into the hands of a Debtor, whose design was not to part with any of that property to pay his Creditor. Long-continued custom allows the Creditor to arrest the person of the Debtor : bail is given, if the Debtor thinks it will answer his purpose better to have his liberty a little longer, than go to prison, or within the rules of one. Then, if he comes within the description of the bankrupt laws, he sets himself at liberty at the expence of his Creditors, by surrendering a small part of what he has to a much greater claim from nominal Creditors than those that are really such. But, if he does not come within the description of the bankrupt laws, when he can no longer keep possession of the property of his Creditors by setting up any legal means of defence or delay, then he retires to prison, or within

within the liberties of one, to live upon the effects he has got into his hands : and if he was without the limits of the bankrupt laws, he is within those of the next insolvent act ; and he who went in debt with a design never to pay, and went to prison rather than give up what he had got, is discharged in common with the real insolvent, unfortunate Debtors, for whose relief the law was designed. The Creditors of such a Debtor as this are at present without any means of relief. There is no law for them to appeal to against the most unjust Debtor, to whom a prison is no punishment. The whole Executive Power,—the King, the Judges, the Magistrates, and every lover of justice in England, stand as idle spectators : they hear, they see the honest, industrious subject, the Creditor, is ruined out of prison by the loss of that very property which his Debtor is living upon at his ease in prison, or within the liberties of it ; but the King, and  
all

all the subordinate Magistrates, and all who think it their duty to act on the side of the laws, have not now any law in England that gives any authority to take the property out of the hands of the Debtor, and equally divide it among his just Creditors.

Was there only one such case as this in an age, it would be a reproach to the municipal laws of any country to leave for a year an opening for such injustice to be committed before the face of the Legislative Power, without giving the executive Magistrate authority, upon the distinct evidence of the case, to make such an award as no man with common sense could help giving upon such an occasion. It is with great submission that the Insolvent Acts are appealed to for the truth of this remark, — That, from an excess of caution in guarding against any injustice being done thro' want of attention in the executive Magistrates, these laws

laws seem to leave too small a latitude for their discretion in judging of each case according to its distinct evidence. The laws that allow of the person of the Debtor being arrested in the first instance, also allow the Debtor that would pay, but cannot, to be shut up in prison with the other that can pay, but will not; and the Insolvent Acts empty the prisons with nearly the same want of distinction as they are filled. If the Debtors have only been in confinement before such a day, and do not owe more than such a sum, comply with the other requisites, and will swear alike, they are alike discharged; and this seems at once to have been a great cause of the necessity of Insolvent Acts, and the foundation of the just complaints that have been made against them—that they encouraged frauds, by discharging out of the prisons those that only went to them to be discharged by the next Act of Insolvency.



*The Case between the Creditor and Debtor  
out of Prison.*

For every Debtor that holds his Creditor at defiance in the prisons, there is certainly a much greater number who do the same thing out of them. The Creditor they know cannot touch their property but by a commission of bankruptcy ; and, if the effects to be laid hold of by it do not exceed an hundred pounds, all that the Creditor gains by his commission is the trouble of it, and paying his Sollicitor's costs with the effects of his Debtor. The public experience of the cost of commissions to Creditors, and how little in general is gained by them, are sufficient motives in the minds of Creditors for caution how they proceed against the Debtor, under the bankrupt laws. The only other remedy is arresting the person of the Debtor ; but he that can pay in whole, or in part, and  
will



will not, before he is sent to prison, is seldom found more willing to do it afterwards. And long experience having shewn Creditors what is to be got by sending the Debtor to prison, thousands of Debtors of all ranks, when once they have got into the books of those that trust them, hold them at legal defiance, saying in effect, If you will not go on to give us credit for what we want, we will not pay you for what we have already got, and you may do your worst. People in trade, finding a certain proportion of their customers of this cast, after all their caution, are obliged to add a certain rate to the price of what they sell and enter in their books, that the gain by the good may stand against what they lose by the bad; and thus by the law, when the person of the Debtor is surrendered, giving no remedy against the effects, but by commission of bankruptcy, a general charge is made upon the whole community, to answer for the loss by the worst part of it.

There appears to be two circumstances prevailing in this country, at present, that greatly increase the importance of this subject. The first is the very great sums Government is obliged to call for from the best of its subjects; and the second is the disposition to pleasure, and expence among the rest.

Did men, who spend more than their own, either in idleness or pleasure, in any rank of life, only go in debt for the difference to such as themselves, there would be far less cause of complaint; but the misfortune is, the idle, and the expensive, when they leave the companions of their uselessness or excesses, divide themselves among the sober, the industrious, whose frugality and labours, under the blessing of Providence, have obtained them the possession of property; and the custom of their trade, leading them to credit those that *appear* to be in circumstances, to which credit is commonly

ly given, that part of the subjects, who claim the greatest attention from the state, are left exposed to the designs of the worst subjects, under appearances against which there is no guarding, to have their property taken out of their hands; and no legal remedy is in their power but against the *person* of the Debtor, which, in the generality of cases, gains the Creditor as little by taking as leaving at liberty.

To leave it in the power of Debtors, who have possessed themselves of the property of their Creditors, to keep possession of that property after the agreed time of payment is expired, without giving the Creditor a direct claim on the property of his Debtor, is to put it in the power of the worst of subjects to do injustice to the best, to a very dangerous degree of impunity.

No man, that possesses the property of another, ought to be left to his choice to  
keep

keep it for his own use, on the terms of living in prison, or within the liberties of one. To permit a Debtor in prison to live on the property of his Creditors, because he rather chuses to be there at the expence of others, than have his liberty on the conditions of living by his labour, this is to punish the offender through the side of the injured; and, was there but one case of this kind, where there is reason to believe there are many, it would be a case of injustice that appealed to the wisdom of the Legislature to provide some permanent means of relief to the Creditor, so far as the property of the Debtor can do it. The present necessity for such relief to Creditors has but too deep a foundation in the manners of the people of this country at this time.

Whoever has been acquainted with London for the last twenty years, requires little to be said to convince him, that the plain, sober, frugal way of living and appearing,  
which



which used to be so general, has considerably abated, and a love of pleasure, show, and fulness of living, has taken place to no small degree. Men, in any rank of life, who spend more than their own, must go in debt for the difference. They who spend most time in dissipation and pleasure, have the least for labour. The farther they go in that course, the more they want, and the less they gain; and the more of course they must go in debt. Did all of this character, from the highest to the lowest rank, only go in debt to each other, the injury done by their spending more than their own would be less mischievous to their fellow-subjects. The idle, the lovers of pleasure, only meet together in places of expence; but, to procure the means of supporting them in it, they divide themselves among the sober and industrious: and that very appearance of dress and manner of living a man of expence assumes, being also necessary for gaining of credit, his manner  
of



of living is at once his pleasure and his means of supplying it: so that, with the increase of taxes to Government, rates to the Poor, the subjects who raise both have at this day the continual difficulty of dealing with men, in every part of the kingdom, but especially in London, who are let loose upon their property through a door that is left open by this defect in the laws, and which is so much shut against the Creditor in recovering the property of the Debtor.

Many cases might be stated, within the history of the Insolvent Acts that have passed in the present reign, of men who have obtained the property of others under the name of a debt, equally as fatal to the Creditor, and as unjust on the part of the Debtor, as if he had robbed him of all he possessed, or set fire to his house. And, besides the injuries that have been done by Debtors discharged by passed insolvent laws,

laws, there are hundreds of Debtors out of prison, who are continually employing every class of the law profession for the purpose of preventing their Creditors obtaining their just demands; and when they can gain no more time, or have no more money to spend, then the Debtor must either be beholden to his dexterity in contracting a new debt to pay off the old one, or he takes refuge in prison, or the liberties of one, to wait for the next Act of Insolvency, if he cannot shorten the time of his restraint by a commission of bankruptcy. But, whether the Debtor keeps out of prison, that has no design to pay, or is discharged by the Insolvent or Bankrupt Laws, it is the same to the Creditor: his remedy is so remote against the property of his Debtor, that the little he obtains of it is often too small, and received too late, to relieve him from distress or ruin.

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The reasons that prevent any plain, direct, legal remedy for all this inconvenience and injury to the best part of the subjects, seem to be the same that used to be against laws for making turnpike-roads:—The old roads served our fathers and their fathers before them, and why mend them?—Why mend them?—Who is it that asked the question? A set of good-humoured, sly gentlemen, that hang out signs of good accommodation by the sides of these ill-made roads his Majesty's subjects must wade thro', or stick fast in, for want of a law to mend them.—A law to assist the Creditor to come at the property of the Debtor, has the dead weight of all that live by the way-side of these ill-made laws between Debtors and Creditors; and if a bill for their amendment is once started, it will be a fair trial, whether the makers of the law, or the administrators of it, will prevail. The friends of such an amendment may, however, have this on their side, that the public score now runs  
so

so deep into the property of the subjects, that it may be like bending the bow till it breaks, to let that part of the subjects, whose difficulties are never to be separated from the difficulties of the state itself, continue to bear all the weight of government, the church, the costs and charges of the law, and have to contend besides with all the idle, extravagant, and designing Debtors, with the odds so much against them. If the charges of the state must go on increasing as they have done of late years, it seems to be now but necessary policy in those that are benefited most out of the public revenues, that the subjects, whose industry raise those revenues, should no longer be left in their present situation of difficulty in recovering the *property* of their Debtors. The taxes, the tythes, the poor-rates, fasten themselves upon the property of all the sober and industrious subjects by an irresistible force. These laws bear their share away, whether any thing or nothing is left behind;



and the laws that now oblige the Creditors to be satisfied with the surrender of the *person* of the Debtor, leave all the best of the subjects a prey to the worst.

But, besides the necessity of an amendment in the laws, to give the Creditor a plain, direct remedy against the property of the Debtor, there seems to be, in the present state of this country, the same necessity for a standing law for the relief of Debtors who would pay but cannot.

There is a spirit of indulgence to one another runs through the minds of all men in trade in this country, and a compassion for the unfortunate not to be equalled; as it is often said by men who have had experience to help them to form a right judgment in any other country in the world. The examples of it in the city of London alone are without number among those that have been overwhelmed with misfortune,  
perhaps



perhaps the effects of rashness and inexperience in trade ; but, when sunk to the lowest distress, the liberality of more successful adventurers in trade has taken them by the hand, and he who a few years ago was among the number of the unfortunate, now ranks with the most useful and opulent. But with all this liberality of mind among merchants, there are ten thousand times ten thousand who feel only for themselves. Charity begins at home : it ends there too with them ; and there are cases without number such as these between

*The Creditor and Debtor who would pay  
but cannot.*

The Creditor thinks, if he arrests first, the Debtor will make an hard struggle to pay him before the rest, whatever is left behind for the other Creditors. The Debtor is laid hold of, as by the hand of death men are every day, in a moment unexpected. He is locked up : a prison, or the  
disgrace

disgrace of sending for his friends to bail him, are the only objects of his choice, if he cannot at once pay debt and costs. He knows not what to do. His friends are among the number of those that have trusted him. If he is bailed, the knowledge of his having been arrested gets out among his other Creditors. That most sacred of all things, next to things divine,—a woman's virtue,—is hardly more susceptible, than a tradesman's credit, of injury from the breath of folly, unkindness, or wickedness, which is dealing about firebrands, arrows, and death. The Debtor's expence of defending the action, goes on under all the dangers of destruction to his credit: the alarm is spread; the fears of other Creditors bring fresh actions: his attorney is the only man that keeps up his spirits; he finds no consolation but in his advice: his family is the place of sorrow and fear; every Creditor is now an enemy to be dreaded. The managers of the law, in such cases, are in  
the

the place of the pilot at the helm of the ship upon a lee-shore, when the storm can be weathered out no longer—he looks for the best place to run her aground, and quit the bark he conducted. To the Debtor, a commission of bankruptcy is a merciful deliverance. If there is but enough left to pay the charge of a commission, it is the Debtor's best fortune to escape a prison, as mariners do death in a shipwreck, with the loss of all, to the cloaths on their backs. But in ninety-nine cases out of an hundred, the Debtor's effects cannot come up to the present cost of a commission of bankruptcy. Execution against body and goods is the consequence. The Debtor, if not sent to prison, is stripped of his goods, and left at the mercy of Creditors, who only condemn themselves for not being the first in distressing the Debtor. Their costs out of pocket, his property all gone, no arguments can convince them their Debtor is not an object of their resentment : they interpret laws divine and human

human to justify the worst they can do to the man they have thus the misfortune to lose by. Every tax-gatherer and parish-officer that knocks at their door, is the bearer of fuel to the flame of resentment in their minds against the Debtor. The Creditor says, I have no mercy, and I will shew no mercy. He looks up to the conduct of the state to its Debtors, as an example to warrant him in taking from his Debtor the last table and chair, and, when he has no more to pay, a prison till he dies is his doom. This being the treatment the subjects receive that are indebted to the Government, the subjects adopt the maxims of the State, and so deal with one another; high examples, however impolitic, cruel, or absurd, always producing numerous imitations: and the severity of Creditors to their Debtors is only in a less degree what is in a greater between those that are benefited by the well-paid wages of our Government, and those whose industry support it. Many of the  
former



former are living in all the fulness of plenty, while thousands of the latter are pining in want near unto death, as if mankind were no nearer related to one another than men are to the inhabitants of the great deep.—But our business is with

*The Debtor in Prison who has nothing to pay.*

Just sent there in a fit of despair--his wife and his children shut out of his sight; but in his full heart he sees their tears, he hears their cries, he feels the sorrows of them all, of every one, as past remembrance brings them to his mind. He sinks into sleepless despair, stupefied with grief; while in his new and miserable dwelling that little-suspected Deceiver of Mankind whispers to his mind—"God has given to thy wife, thy children, thy aged parent, a right to look to thee for their support: the folly of thy pursuits, the expences of thy pleasures, thy mispent hours, now cry to God for justice

against

against thee : thou art not only the author of thy own misery, but the cause of theirs it was thy duty to maintain and comfort."--- My God against me!--Yes, he is now against thee, answers the Accuser of both God and Man; he is against thee, and mankind are thy enemies. None are on thy side but these.---Who are on my side? says the astonished Debtor.---These that are here before thee, who shall teach thee rare pastime, and of them thou mayst learn how to turn thy prison into a place of sport, and make thee forget all those painful, tender feelings of thy mind for the helpless ones thou hast left behind thee ; and, as thou art now ruined and undone beyond forgiveness, to forget God, and wage war against that world in which thou art thus treated, is thy only business.

The poor Debtor, in the hurry of his life, and amidst the cares and pleasures of it, long led to look upon the Bible, and all the  
unchange-

unchangeable truths it contains, as things with which his happiness had nothing to do, unsuspecting that it is an evil spirit that thus suggests advice (Ephes. vi. 11.), which need only be taken and continued in to prepare him for fellowship with wickedness for ever; his first compliance is in taking the full glass offered with the devilish intent of taking from this new-come prisoner his last shilling:---he tastes, he drinks, he drowns the voice of Conscience, and all those kindred feelings for the wants and sorrows of those he has left behind him; and that blessed voice, which would speak forgiveness, peace, and support to the most sorrowful breast, and also influence and lead to relief, is sent away grieved that the report is believed that God has not goodness enough to forgive the penitent mind, or power enough to support it to the last moment's trial his Providence permits, or wisdom to bring deliverance to all who trust in him. Evil thus listened to and obeyed,

good resisted and wilfully opposed, deeper and deeper does the sorrowful Prisoner sink in misery and vice, till so intimate they become, that he would think it fair play, and but doing as he is done by, could he plunder any man of his property. Scores of contrivances are then set on foot in lawless consultations within the prisons, how purposes of fraud shall be executed at second-hand among that part of the Debtor's acquaintance who are best subjects of imposition.--- They that call all these temptations, and the conduct flowing from them, fables, know nothing of the human mind, or of those writings that declare it and the nature of the two worlds, not known assuredly but by Revelation. They who think there have not been within the last twenty years many instances of men who went to prison only from the consequences of ill-success in some course of honest industry, and who in prison were taught to be open robbers,---they who know not this, know nothing of what  
has



has passed in our wretched prisons; and Debtors discharged without having contracted this desperate degree of wickedness, often come out of prison dead to shame, deprived of all life and power of action by idleness and drunkenness: and of all the hundreds which are passing through our prisons by the operation of the laws that allow of confining for Debt, there is not perhaps in an hundred ten who survive their imprisonment with any degree of usefulness to themselves, their families, or their country. Many, who pretend to form their judgments from the conduct of men, seem to be agreed, that, excepting in Courts, if Courts are what *Chesterfield* describes them, no place like our prisons requires better principles, or greater firmness to preserve them. Laws to prevent Corruption in Courts are not to be looked for, till those that frequent them learn to speak what they think, and do what they know to be right; but laws to prevent Imprisonment for Debt may be

be expected from a principle of self-defence in the upper ranks of society against the lowest.

More than eight hundred men in the course of last year were taken out of prison by the Society for the Relief of poor Prisoners for Debt. Colleges that take in and send out so many students, after having been under the instruction of such wise and wicked examples as our prisons are never totally free from, is enough to account for the increase of our felons of late years, without any other cause in the situation of the people in this country. And in the present situation of this country, if the laws remain in force that allow needy Debtors to be shut up in prisons, where the most fearless vices appear without a covering, this country must have a continual increase of subjects to bid defiance to all the laws both of divine and civil Government; and Debtors who might have recovered their lost credit  
by

by future care and rectitude, corrupted by examples met with in their confinement, when they regain their liberty, will, without fear or shame, support themselves by fraud or violence, as they may be equally deceived in thinking shall answer their purpose best. Many poor unfortunate Debtors have in prison been supported by the charity of others sent to the same prisons for felony. The Debtor's horror of the house-breaker or highwayman, or more petty thief, is forgotten, by seeing in him a benefactor that brings him relief in the extremity of his distress. An acquaintance thus begun in prison, is ripened into confidence wherever they meet; at least, such confidence as there only can be between wicked characters in any rank. And thus, by an hundred ways, Debtors by imprisonment are converted into thieves and robbers; and, if natural courage is wanted, the necessity of their circumstances, when they come out of prison, answers the same purpose: and, I am well

well assured, that so speedily has this been found true, that men who have been discharged from our London prisons as Debtors one week, have been sent back as felons the next;—which, indeed, is nothing more than may be expected from

*The Case of many Debtors discharged by an Act of Insolvency.*

The necessities that sent a Debtor to prison, left him, perhaps, not half so much as his prison-fees and the expence of living the first month in one. The poor wife, or son, or daughter, carried to their more miserable relation in the prison the produce of the last thing they had left to sell; and when once the wants of the family out of prison exceeded their own feeble endeavours, in a work-house, or living on precarious charity, is the state in which the poor Debtor finds his wife and children, when he comes out of prison, if they survive his discharge.



charge. Let us for a moment look at men newly discharged by an Act of Insolvency. See scores of them, with minds at enmity against all mankind from the treatment they have met with, coming out of the prisons with all the desperate principles they have contracted in them; and, in the moment of their discharge, made mad with the liquor they have been induced to take at leaving their companions in the gaols, they are prepared for any act of desperation, and the thought of returning to a ruined family without a penny for their relief, gives force to every wicked suggestion from men or devils to rob or steal. The idleness of a prison only for six months, unfits the hand of industry as much as the mind for directly entering on any honest labours; and those that have no trade to live by, are so ruined and disgraced, that none will trust them with a guinea's worth of goods to begin any business of buying and selling. Thus do the generality of Prisoners

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for Debt, when discharged, become either enemies to society, or they sink in poverty and become a useless burden to themselves and the community till they die.—I am tired of describing what the Law, as it stands, gives cruel-minded Creditors the power of doing to their helpless Debtors.

*Conclusion.*

The mischief, the miseries, arising from this standing defect in the laws are great and many ; and men, who hear and see for themselves what is going on every day between Debtors and Creditors, are by turns equally affected with the distress they see on both sides. Buying and selling, borrowing and lending, trusting and being trusted, are things of universal concern ; and the Law, as it is, leaves it in the power of Debtors to take the property of their Creditors, without giving the Creditor any possible remedy against the property of the Debtor, in by far the greatest number of cases that arise between

tween Debtors and Creditors ; and, on the other hand, Creditors have power to deprive their Debtors of their liberty in a moment : and, in spite of all their sufferings in prison, and the pitiable distresses of their families out of them, and the addition made to the public difficulties at this day by Creditors ruined without remedy, and Debtors dying without relief, the Executive Magistrates, and all the friends of humanity and common justice in the kingdom, are left to look upon all this mischief, wrong, and misery before their eyes, without being able to give the injured Creditor the least help in taking a pennyworth of his property from the fraudulent Debtor, or in saving the life of the poor, penniless Debtor out of the hands of the cruel, unrelenting Creditor : the Law in effect saying to the designing Debtor — Rob and go to prison, only taking care to do it under the name of contracting a debt, and you shall be protected in prison, or in the liberties of one, to live in security upon

the property you have had the address to obtain from your Creditors : and to the hard-hearted Creditor that locks up his helpless Debtor, the Law, as it stands, says—Confine him till he dies.—Thus Parliament leaves the King, the Judges, the Magistrates, with their hands across, while one part of the subjects are cheating and starving the other to death.—The multiplying millions to be raised for the State (and spent without account or reckoning that Common-sense can look at without blushing), the weight of the State, Church, and Poor, as the great wheels of revenue, tythes, and rates, turn round, are reducing thousands to bankruptcy and insolvency. The Legislature leaves the subjects to the Professors of the Law, as sheep to the dogs of their drivers : they are fleeced of all that can be got, and then barked into prison, that Gaolers and their followers may take what Lawyers and their subordinates have left behind.

A man



A man that has ever been brought to see the folly and madness of avarice, to be content with a little, and to live in the world to give a lift when he can to hinder evil or do good, has, at this day, just as much cause to be affected in examining the Houses of Parliament as he has in visiting the prisons. In prison, sorrow, sadness, and misery speak thro' the countenance of most of its wretched inhabitants;---to see the countenance of the Peer reddened with rage, vexed and fretted with the mutual jars among them, is equally painful to all that wish well to the happiness of mankind.

Men, that sit in the seats of Legislature in any country, can never have peace, that shut their eyes to the obvious duty of their station. Providence placed them there for the purpose of promoting the peace---the happiness of all about them: to overlook, neglect, disregard the most necessary measures of duty for this end, and to expect the calm  
peace

peace and unruffled dignity of mind which God alone can give, is equal to the son's expecting the smiles of a wise and good parent, when, either from pride, folly, or self-interest, he passes over all his commands. Did a Peer never see a prison, or hear or believe a word of the miseries of Debtors from all that may be said about them without doors? A Peer is an hereditary judge of the laws in the last stage of appeal; and the laws that lie before him are the evidence, that acts for the relief of Insolvent Debtors, and giving their property to their Creditors, have of late years been so often necessary as to make it evident, that a law so often wanted, in cases of such universal and hourly occurrence, must always be wanted. If any other evidence is wanted for the present necessity of a standing law to be appealed to every day between Debtors and Creditors, the present fulness of the prisons, so soon after a general act of insolvency, is, indeed, but too strong a proof of that necessity within the walls

walls of the prisons, as the situation of many Creditors, who cannot come at the property of their Debtors, is without them. The means of preventing all this mischief can only be by

*An Act to enable Creditors to recover the Effects of their Debtors, and preserve the Liberty of the Debtor on his surrendering all his Effects to his Creditors.*

And the law wanted for these purposes need only proceed upon the same principle that runs thro' all the Insolvent Acts, from the first in the reign of King William, to the last of his present Majesty ; for they all do the same thing---they oblige the Debtor to part with his property to his Creditors, under the penalty of felony that he makes a full discovery of all his effects, and fairly surrenders them for the purpose of paying what he owes, as far as they will go ; and then authority is given to the Magistrate to discharge the person of the Debtor from his confinement.

These

These laws have been repeated near twenty times over within the last eighty years. So many times has the law that allows the Debtor to be arrested filled the prisons, so many times has it appeared to the wisdom of the Legislature to be humane and just to empty them.

The design of this bill (and it is suggested, I hope, with some sense of the respect due to the first ranks of the State) is only to give Debtors and Creditors the same thing constantly, which the Legislature has seen it right to give them so frequently. The present bill is to prevent an evil arising, which the insolvent acts have removed after it had arisen. If it has been humane and just to empty the prisons so often as they have been, the principles of this bill, to prevent their being filled, cannot be less so. And the first thing to be considered is,--- Can a power be safely given to any executive Magistrates to do that always which has been given them to do so often?

Sup-



Supposing there was not this day a single Debtor in any prison in the kingdom, and that no Act of Insolvency was to pass till this time seven years, and then the prisons were emptied of all that were found alive in them at once, would the difficulty, in doing justice between Debtors and Creditors, be greater than it would be in executing a standing law that enabled the Magistrate to interpose between each Debtor and his Creditors, as they came before him, one by one? Certainly, the difficulty with the Magistrate in doing all the justice that could be done between them, would not be greater by judging of them, case by case, than by having as many of them as could come together at a Quarter-Sessions at the end of seven years.—Would the interest of Creditors be injured by the Debtor's surrendering all his property under the same penalty at the end of thirty days, as in the other case he would do at the end of seven years?—Did common experience prove the property of Debtors to increase with the length of their confinement,

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then a perpetual act might be less beneficial to Creditors than an occasional one. If the contrary is in general the case, that Debtors have more to surrender the day they are sent to prison than at any time after during their confinement, then it must be the general interest of Creditors to have a standing law to appeal to, to recover the property of their Debtors.---And, on the side of the Debtor, whatever is his character before his confinement, if it is proved by experience, that the moral rectitude of his mind is mended in proportion to the length of his imprisonment, and he is made more useful to society, his family, and himself, by having been long in prison, then imprisonment is to be approved of; if the contrary is the case, then the public interest cannot be hurt by the public not having an idle man to keep in prison, and an helpless family out of it: ---the public interest must be promoted the more, the sooner Debtors are restored to their liberty, to provide for themselves and those that belong to them.

Custom

Custom has a great influence on our opinions in considering any question: it may require a little care, it has none in this. It is said, If it was in the power of Debtors every day to surrender their effects to their Creditors, and be discharged from any arrest for all their past engagements, it would open a wide door for frauds on Creditors. Keep the Debtor in prison seven years, it may punish him for his past conduct, but it cannot make him give up more than he has: and if he does not fairly give up his all at the end of thirty days, he equally exposes himself to the penalty of felony, as if he reserved a part of what he had left at the end of seven years.—But bad men would go in debt, get discharged; go in debt, and get discharged again, times without number, without end. If Creditors will trust their property into the hands of Debtors so little likely to pay them, there is no help for it. If they are *cheated* out of their property, that is felony; and this bill is not intended to make any alteration in the punishment due to that crime, but the contrary: and to all the precautions

that appear in the Insolvent Acts, that of hard labour may be more expressly added for every man convicted of a fraudulent intent in obtaining property into his hands; or, if fairly obtained as a debt, not fully surrendering when the Law calls upon him to give up all to his Creditors.

But it is neither the difficulty of doing justice by the Magistrates, nor any danger to the interests of Creditors, Debtors, or the Publick, that are the objections at the bottom to a perpetual act to give Creditors a plain, direct remedy against the property of Debtors. There are a part of his Majesty's subjects, forty thousand or so, whose revenues arise in part from the law that arrests the person, and leaves the property of the Debtor in his hands to contend with the Creditor. Every man that is arrested, if he is not under a necessity, is generally in a humour to go to law with his Creditor. Every writ is a dividend to the Profession of the Law; and an act to give liberty to Debtors, and their property to their Creditors, would be a law, though neither offensive to justice,



justice, mercy, or the good of his Majesty's industrious subjects, yet it would prejudice the interest of a numerous learned Profession, who live with great good management on the labours of their fellow-subjects.

This is the great objection against the bill proposed; and if the learned Profession unite together in one scale, they will, probably, be found to out-weigh the most evident interests of the whole community in the other.

When a country has once been brought as this now seems to be, into legal bondage to the Professors of its laws, and when an act of common sense is wanted to do common justice among the subjects, nothing can be done but compound the matter : and perhaps a reform in our laws between Debtors and Creditors cannot be sooner brought about, and, upon the whole, better executed, than by giving authority to the Judges of all the courts of common law, to appoint such Barristers and Attorneys of their court as they think proper to be Commissioners for Debtors and Creditors, with such fixed fees as the trouble and nature of the case appears to deserve.

Should

Should the Law Profession and their Representatives accept of any terms of this kind, then the business may go on, and a bill for this purpose may soon be drawn up. It is a subject that has long been seen on all sides: few things can happen in consequence of a new law, that have not happened numberless times under the old ones.

But what must be done for the Gaolers, and all that have a fellow-feeling with them, if Commissioners are thus appointed to give the property of Debtors to their Creditors under just limits, and so render imprisonment for debt unnecessary?—What have the friends of the Gaolers to say to Mr. Hanway, Mr. Howard, Dr. Smith, and all the friends of humanity and good policy both within and without doors? Shall the gaols of our Debtors be divided into rooms for our Felons to find work and retirement to reform them in?

May one merciful clause for the Debtors to the Crown be proposed? If nothing will atone for their failure in paying a debt to the State, whose debts are contracted with all the frugality of farthings and pence; if nothing will atone for the offence of a  
Crown

Crown Debtor but confinement till he or the King dies, may it not be equal policy and mercy to let it be enacted, That, at the end of six months from the date of any Debtor to the Crown being taken to prison, if he pays not the debt, he shall be taken from thence to the place of execution.

Hear those most miserable of men for themselves. They will tell you—Do any thing with us rather than bury us alive. Death, by any sentence of law, will be a blessing. We would take it at our own hands, was it not to *intrude* ourselves into the presence of our Maker and Almighty Judge in the very act of open defiance to the most sacred of his laws, which wilfully to break, in the smallest instance, and die unpardoned by him, is death eternal.—Give us but time for repentance, and to sue to God for mercy, and let us die by the hand of the executioner, rather than shut us up alive where the sun never shines, where hopes of liberty never come, but hopes that come connected with the death of the King;—an event which no subject ever ought to be left unheard in a condition to wish for.

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A nation so clearly enlightened with revealed truth as this is, to retain any unjust, oppressive, and barbarous maxims in its very laws and government, must as certainly be visited with expressions of the divine displeasure, as that it is necessary for the Lawgiver to vindicate the justice of his laws made for the common happiness of all mankind; and which, therefore, can neither be neglected nor violated, but God's compassion to the world is called upon to restrain what is unjust, oppressive, or cruel, by those penal judgments annexed to the sacred rules he has laid down for the government of mankind, and which none are ever found strong enough to resist. The sufferings of the poor, the tears of the oppressed, the helpless cries of the cruelly-confined prisoners, are seen and heard by Him, who has shewn mankind instances of his visiting a whole community of his creatures with all the miseries of war, for the cruel treatment a single person has received at the hand of that community, and who, when applied to, did not give the relief the case required.





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A N

A B S T R A C T

O F T H E

INSOLVENT ACTS.

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I.

8 and 9 WILLIAM III. 1697.

*An Act for the Relief of Creditors, by making Compositions with their Debtors, in case Two-thirds in Number and Value do agree.*

[Repealed by next Act.]

II.

9 and 10 WILLIAM III. Cap. 29. 1698.

*An Act to repeal the Act made in the last Session of Parliament, intituled, An Act for Relief of Creditors, by making Composition with their Debtors, in Case Two-thirds in Number and Value do agree.*

\* “ **W** H E R E A S an act, made in the second  
“ session of this present Parliament, held in the 8th  
“ and 9th years of his Majesty’s reign, intituled, An  
“ Act for Relief of Creditors, by making Compositions  
“ with their Debtors, in case Two-thirds in Num-

\* 8 and 9 W. III. c. 18. repealed.

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"ber and Value do agree, hath not answered the end  
 "for which the same was intended, in regard that,  
 "notwithstanding the provisions in the said act for  
 "preventing frauds in the making such compositions,  
 "many fraudulent practices have been committed,  
 "by making pretended agreements with persons who  
 "were not real Creditors, and for greater advantages  
 "than what were expressed in such compositions;  
 "which practices have (as there is just cause to fear)  
 "occasioned much perjury:" for remedy whereof, be  
 it enacted by, &c. That, from and after the twenty-  
 fourth day of June, in the year of our Lord 1698,  
 the said act, and every clause, matter, and thing there-  
 in contained, shall be repealed, determined, and of  
 no force.

\* 2. Provided, nevertheless, and be it enacted by  
 the authority aforesaid, That this act shall not extend,  
 or be construed to extend, in any wise to prejudice,  
 make void, or impeach, any Agreement or Composition  
 made, or which before the said 24th day of June  
 shall be made, bona fide, and without fraud, and  
 which shall be performed from time to time, accord-  
 ing to the true intent and meaning thereof; † nor any  
 order for the discharge of any debtor out of custody,  
 made, or which shall be made, in pursuance of such  
 Agreement and Composition, and by virtue of the above-  
 said act, or which is or shall be within the saving or be-  
 nefit thereof, before the said 24th day of June, but that  
 every such Agreement or Composition whereupon such  
 Order of Discharge is or shall be made as aforesaid, shall  
 be good and effectual to all intents and purposes, and  
 every such Order of Discharge is hereby ratified and  
 confirmed; and every such Agreement or Composi-  
 tion, whereupon no such Order of Discharge is or  
 shall be made as aforesaid, shall be and remain of the  
 same force and effect (and no other) as if this present

\* But not to make void Agreements, &c.

† Nor Orders for Discharge of Prisoners,

act had not been made; nor to pardon, indemnify, or discharge any person who hath incurred, or before the said 24 day of June shall incur, any penalty or forfeiture, by committing any offence against the said act, but that every such offender shall be liable to the same forfeitures and penalties as if the said act had continued in full force.

\* 3. Provided always, and be it enacted by the authority aforesaid, That no person or persons, who heretofore have been, or shall before the said 24 day of June be discharged by virtue of this act, shall be deemed or adjudged to be discharged thereby, who, to produce any Agreement, Compositions, Releases or Discharges whatsoever, from any of his or their Creditor or Creditors, have, before any one of the Judges of either Bench, Barons of the Exchequer, or Master in Chancery, Ordinary or Extraordinary, willingly and corruptly made, or before the said 24 day of June shall make any false oath, to the defrauding of his or their Creditor or Creditors; but that all and every such Agreement, Releases, and Discharges, upon any false oath obtained, and being thereof convicted upon any indictment or information, shall be void and of none effect; any thing in this or the said former act contained to the contrary hereof, in any wise, notwithstanding.

### III.

2 and 3 ANN. III. Chap. 16. 1703.

*An Act for the Discharge out of Prison of such Insolvent Debtors as shall serve, or procure a Person to serve, in her Majesty's Fleet or Army.*

JUSTICES of Peace, on petition of poor Prisoners for Debt, may summon the Creditors before them,

\* Release and Discharge on false Oath to be void.

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and

and also the Gaoler. Prisoner to take an oath. Creditor to shew cause why Prisoner should not be discharged. In case Prisoner be detained, Creditor to allow him 4d per day; and if no estate appear in three months, *Justices* may discharge the person of Prisoner; but the debt not thereby discharged, and judgment against Prisoner's land, &c. to stand good. Persons discharged, and again arrested, on shewing a duplicate of their discharge, shall again be discharged: Person of Prisoner for ever free. Penalty on Sheriff, &c. disobeying *Justices* summons. Prisoners, before discharge, shall declare on oath what effects or debts are belonging to them. A Schedule thereof to be made. Creditors may sue for such debts in Prisoner's name. Persons discharged free from chamber-rent and gaoler's fees, &c. Prisoner's wearing-apparel, and tools in trade, not liable to attachment. No person to be discharged who is indebted more than 100l. to one person. Nor from his imprisonment, unless he list himself in the Queen's service, or procure one in his stead. Penalty of persons convicted of wilful perjury.

## IV.

10. ANN. Chap. 20. 1711.

*An Act for the Relief of Insolvent Debtors, by obliging their Creditors to accept the utmost Satisfaction they are capable to make, and restoring them to their Liberty.*

## V.

6. GEO. I. Chap. 22. A. D. 1719.

*An Act for Relief of Insolvent Debtors, and for the more easy Discharge of Bankrupts out of Execution, after their Certificates allowed.*

EVERY Sheriff, Gaoler, &c. shall make a list of all Prisoners in their custody on 24th of June, 1719,  
and



and deliver the same, upon oath, to the first Quarter-sessions after May 1st, 1720. Persons inserted in such lists, who were Prisoners on June 24th, 1719, and shall continue so to their discharge, (other than those committed by Judges warrants on an escape,) who shall take the oath in that act, shall be discharged in the manner herein before provided. Prisoner to deliver a Schedule of his estate, and the names of his Debtors, &c. Schedule to remain with the Clerk of the Peace, in whom the estate shall be vested to be assigned to the Creditors. Justices shall order the Sheriff, &c. to discharge such Prisoner without other fee than 2s. Prisoners discharged shall not be imprisoned for any debt contracted before June 24, 1719. Notwithstanding the discharge of any person, all judgments shall stand good against his lands, &c. None shall have any benefit of this act unless discharged by 25th of March, 1721. Not to extend to Scotland. Discharges hereafter appearing to be fraudulently obtained, shall be void. None to have any benefit who owes above 50l. to one person. Any Judge of the Court where judgment has been obtained against a bankrupt, may, on his producing a certificate of his discharge, order any Sheriff to discharge him without.

## VI.

II. GEO. I. Chap. 21. 1724.

*An Act for Relief of Insolvent Debtors.* [Exp.]

SHERIFF or Gaoler to make an alphabetical list of his Prisoners on 29th of Sept. 1724, &c. to be kept by the Clerk of the Peace. The persons in such lists, on their petition and oath, to be discharged. Prisoner to deliver in a Schedule of his whole estate, &c. to Quarter-sessions. Clerk of the Peace to keep the

the Schedule; Prisoners effects vested in him to be assigned over to the Creditors, &c. Notice to be served upon the Creditors 30 days before Quarter-sessions, and inserted in the London Gazette. All requisites performed by the Prisoner, Quarter-sessions to discharge him. Prisoner discharged hereafter imprisoned, on shewing the duplicate, to be released, &c. Notwithstanding discharge, judgments good against lands, &c. May plead generally against any Scire Facias, &c. in discharge of his person from execution. No advantage if discharge be not obtained before the 26 March, 1726. Not to extend to Scotland. Keeper to permit any person to speak with the Prisoners whose names are in the Gazette, &c. Prisoners not declaring the trade and habitation of the persons at whose suit they are detained, &c. incapable of the benefit of this act. Debtors only for fees, and not exceeding 40s. discharged. Debts to the Crown, and 100l. to any one person, not discharged.

## VII.

2. GEO. II. Chap. 20. 1729.

### *An Act for Relief of Insolvent Debtors.*

SHERIFFS and Gaolers to make an alphabetical list of their Prisoners on 29th Sept. 1728, and the names of the persons at whose suit they are detained, to be delivered into the Quarter-sessions: to be kept by the Clerk of the Peace. Persons inserted in the lists, and prisoners on the 29th of Sept. 1728, shall be discharged. They are to deliver in a Schedule of their estates: Schedule vested in the Clerk of the Peace, who is to assign it to the Creditors, to be divided among the Creditors. Assignees of copyhold estates to agree with the Lord of the Manor. Not to affect any estate

estate in expectancy. Rent due from a Prisoner to be transferred to the Landlord. This act not to extend to mortgages, nor to prevent any statute staple. Justices who grant warrants for bringing Prisoners to the Quarter-sessions, shall give notice, to be served on the Creditors: Prisoners to give like notice to the Creditors, and public notice in the Gazette 30 days before the Sessions. The Prisoner's oath not being disproved, &c. the Justices are to discharge him. Debtors having served an apprenticeship, or employed in any trade, or in the sea-service, and actually beyond sea on the 1st of February, 1728, may surrender themselves, and be entitled to the benefit of the act, but subject to the same restrictions as Prisoners. Gaolers forswearing themselves forfeit 500l. &c. Gaolers inserting wrong names in their list forfeit 200l. Clerk of the Peace not giving a Duplicate to the Prisoner of his discharge, forfeits 20l. Prisoner forswearing himself, guilty of felony. Prisoner discharged for debts before 29th Sept. 1728, shall not be imprisoned for the same again. Discharge of Prisoners not to acquit any other Surety. Judgments to stand good against his lands. Persons discharged may plead generally in discharge of their persons from execution. Plaintiff may reply generally, and deny the matters pleaded. Not to extend to Scotland. Petitioner to leave with the Justices a copy of his intended discovery. Justices of York and Lincoln to meet at the common gaols of the counties for discharge of Prisoners. Debtors in gaols only for fees, discharged. Not to discharge Debtors to the Crown, or owing 500l. to one person. But Creditors to allow 3s. 6d. per week for his maintenance. Discharges to be obtained before the 29th of September, 1731, or excluded. Persons seized of an estate tail, claiming the benefit, to deliver the same to their Creditors. Assignees to apply to two Justices to examine persons

persons who shall obtain their discharge for discovery of estates, &c: refusing to be sworn, Justices may commit them. Discoveries of Debtors estates in 12 months after discharge, to have 20l. per cent. Discharge obtained fraudulently, void. Courts at Westminster, on complaint, may remove Assignees. On mutual credit, Assignees to allow the balance.

# VIII.

16 GEO. II. Chap. 17. 1743.

*An Act for the Relief of Insolvent Debtors.* [Exp.]

# IX.

21 GEO. II. Chap. 31. 1748.

*An Act for the Relief of Insolvent Debtors.*

WHEREAS many persons by losses and other misfortunes are rendered incapable of paying their whole debts, and, though they are willing to make the utmost satisfaction they can, are nevertheless detained in prison by their Creditors: And whereas such unhappy Debtors have always been deemed proper objects of public compassion, and by several acts of parliament have been discharged: For the relief, therefore, of insolvent Prisoners, who shall faithfully discover, upon oath, and deliver up and assign all their effects and estates whatsoever for the benefit of their Creditors; and to prevent, as far as possible, the many frauds and abuses which in a great measure have obstructed the good ends of such acts; Be it enacted, &c.

[The terms of this act nearly the same as  
2 GEO. II. Chap. 20.]

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## X.

28 GEO. II. Cap. 13. 1755.

*An Act for the Relief of Insolvent Debtors.*

WHEREAS many persons, by losses and other misfortunes, are rendered incapable of paying their whole debts; and, though they are willing to make the utmost satisfaction they can, are nevertheless detained in prison by their Creditors: And whereas such unhappy Debtors have always been deemed the proper objects of public compassion, and by several Acts of Parliament have been discharged: For the relief, therefore, of insolvent Prisoners, who shall faithfully discover, upon oath, and deliver up and assign all their effects and estates whatsoever for the benefit of their Creditors, and to prevent, as far as possible, the many frauds and abuses which in a great measure have obstructed the good ends of such acts; Be it enacted, That all and every Sheriff or Sheriffs, Gaoler, or keeper of any prison or prisons in any county, and within this kingdom, respectively, shall, and is, or are hereby impowered and required to make a true and perfect alphabetical list of Prisoners in custody for Debt on 1st Jan. 1755, with the time when charged, and at whose suit; to be delivered into Quarter-sessions, on oath.

## XI.

I GEO. III. Cap. 17. 1760.

WHEREAS many persons, by losses and other misfortunes, are rendered incapable of paying their whole debts; and, though they are willing to make the utmost satisfaction they can, and many of them are able to serve his Majesty by sea or land, yet are detained in prison by their Creditors, or have been forced to go into foreign parts out of this realm: And whereas such unhappy Debtors have always been

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deemed the proper objects of public compassion, and by several acts of Parliament have been discharged on the conditions in such acts mentioned: For the relief, therefore, of insolvent Prisoners and Fugitives, who shall comply with the terms contained in the act to be respectively observed by them, and faithfully discover, upon oath, and deliver up and assign all their effects and estates whatsoever, for the benefit of their Creditors; and to prevent, as far as possible, the many frauds and abuses which in a great measure have obstructed the good ends of such acts; Be it enacted, That, from and after the passing this act, every Gaoler, &c. shall make out an alphabetical list of all Prisoners in custody for Debt on the 25th of October, 1760, or since then, with the time when charged, and at whose suit.---The Warden of the Fleet, and Marshal of the King's-Bench Prison, to take the following oath on delivering in their lists. ---Other Gaolers to take the following oath on delivering in their lists. ---The oaths to be administered by the Justices in Court, and entered and subscribed at the bottom of each list.---List to be kept by the Clerk of the Peace.---Copies of the list to be delivered in, to be fixed up in the prisons, and on the gates thereof. Persons inserted in the list, being Prisoners without a fraudulent intention, on the 25th of October, 1760, conforming to the regulations of this act, shall be discharged. Prisoners in custody at the time of passing this act, who were arrested for Debt on or before the 25th of October, 1760, and held to bail, and surrendered themselves on or before the 28th of November, 1760, on conforming to the regulations of this act, shall be discharged. Justices, on petition of the Prisoner, and his delivering a Schedule of his estate, are to issue their warrant for bringing Prisoner to Quarter-Sessions, &c. with the warrant of detainer, and copy of the writ, &c. Gaoler to obey such warrant. Schedule of the Prisoner's estate to be transmitted to  
the

the Clerk of the Peace, for inspection of Creditors. Prisoners, intending to petition for their discharge, are to give previous notice thereof thrice in the Gazette, and other news-papers. Contents of the notice. Two-pence each time, and no more, to be paid for inserting such notices. First notice to be inserted thirty days, and the last ten days before the Quarter-Sessions. On Prisoner being brought into Court, due publication of the notices required being proved, &c. is to deliver in a Schedule of his estate, debts, and creditors. Prisoner's oath on delivering in the said Schedule. Schedule and oath to be subscribed in the Court, and lodged with the Clerk of the Peace for the examination of the Creditors. Court, if required by the Creditor, may administer an oath to the Gaoler, or any other person, touching any of the matters prescribed to be sworn to. The Prisoner's oath not being disproved, the Court is to discharge him, upon paying a fee of one shilling to the Gaoler. Gaoler indemnified for the escape. Estate and effects of the Prisoner, upon his discharge, to vest in the Clerk of the Peace, who is to make over the same to the Assignees named by the Court; for which he is to be paid 2s. and no more. Assignees empowered to sue, and execute any trust or power, in the Prisoner's behalf, and give discharges. They are to get in, with all speed, the estate and effects of the Prisoner; and make sale, within two months, of Prisoner's real estate, in manner agreed upon at a meeting of the Creditors, summoned for that purpose, and make a dividend within three months, first making up their accounts, and verifying the same upon oath. Thirty days notice to be given of making any dividend; and none to receive any share thereof, but such as shall prove their debts. Debts entitled to be examined into and determined by the Court. Surplus of the Prisoner's estate, after satisfying all claims thereon, to go to the Prisoner. No Suit in Equity

to be commenced, but by consent of the majority in value of the Creditors. Clerk of the Peace to exhibit to the Creditor, or his Attorney, upon payment of one shilling, the Schedule of the Prisoner's estate and effects. Attested copy thereof to be granted, which shall be evidence in all Courts. Clerk of the Peace refusing to produce such Schedule, or to deliver a copy thereof, or taking exorbitant fees for the same, forfeits 10*l.* and treble costs; one moiety to the prosecutor, the other to the poor of the parish. Assignees of copyhold and customary estates, to compound with the Lord of the Manor, and to be admitted tenants thereupon. The Prisoner's right and interest only to be affected by this act. Effects on the premises, where rent is due, are to be transferred to the Landlord, not made over to the Assignees, unless they shall agree to satisfy the Landlord. Act 8th Ann. All mortgages, statutes, recognizances, and judgments, are to take place preferable to claims of an inferior nature. Power in the Prisoner of leasing lands, &c. to vest in the Assignees. The acting Gaoler at the time of delivering in the lists only liable to be sworn. Court, if required by a Creditor opposing the Prisoner's discharge, is to administer the following oath to the Gaoler. If such person shall not have been the Gaoler on the 25th of October, 1760, then the following oath is to be administered to him. V. the oath. Court, if required by a Creditor, may summon the person who acted as Gaoler on the 25th of October, 1760, or since, and examine him touching the commitment and continuance in custody of the Prisoner. Gaoler disobeying the warrant, or order of Court, forfeits 100*l.* with treble costs. Debtors who were beyond the seas on the 25th of October, 1760, surrendering themselves, may take the benefit of this act upon the same terms as other Prisoners, excepting such particulars wherein the cases of both differ. Fugitives



gitives oath. Gaoler, and Printer of the Gazette or other news-papers, not complying with the regulations in this act, forfeit 100l. to the Prisoners, with treble costs of suit. Gaoler, convicted of perjury, forfeits 500l. with full costs of suit; one moiety to go to the informer, and the other towards satisfying the debts of the Creditors. Clerk of the Peace refusing the Prisoner a Copy of his Discharge, or taking exorbitant fees for the same, or for assigning over the Prisoner's estate and effects, forfeits 20l. to the Prisoner. Prisoner convicted of perjury, to suffer as a felon. Persons discharged by this act not liable to arrest for debts, &c. contracted before the 25th of October, 1760. Justices, Sheriffs, and Gaolers, may plead this act to any action of escape, or suit brought against them, and recover treble costs. Persons discharged may plead generally, &c. to all actions or judgments brought against them before the 25th of October, 1760, &c. and in other suits may plead in discharge of their persons from execution. Plaintiff may reply generally, &c.; but, if non-suited, is to pay treble costs. Bankrupts, not obtaining their certificates in due time, excluded from the benefit of this act. Attornies, embezzling, &c. clients money or effects, excluded the benefit of this act. Gaoler to permit the speaking in private to Prisoners whose names are inserted in the list, or Gazette, and the examining the original books of entries, on penalty of 40l. with costs of suit. Prisoner's future estates and effects, notwithstanding his personal discharge, liable to Creditors; wearing-apparel, bedding, and working tools, &c. not exceeding 10l. value, excepted. Creditor may sue for the recovery of Debt due at the time of Prisoner's discharge, but not hold the Prisoner to special bail, nor take his person, wearing-apparel, bedding, or tools, in judgment; and no advantage is to be taken of the cause of action not accruing

cruing within three years, nor of the statute of limitation, unless cause of action did not accrue within three years next before Prisoner's discharge. Discharge of Prisoner no acquittal to the co-partner or sureties. Gaoler making false entries in the prison-books or lists, forfeits 500l. with treble costs, over and above all other penalties for such fraud. Prisoner refusing to declare the abode, &c. of the person at whose suit he is detained, or to come to the Creditor in the lodge, is excluded the benefit of this act.

Justices for the county of York and Lincoln to meet at the county gaols for the discharge of Prisoners.

Those who are Prisoners for fees, &c. to be discharged.

Debtors to the Crown, and who owe above 1000l. to one person, unless the Creditors consent, are excluded the benefit of the act.

Creditors opposing Prisoner's discharge, to allow him 3s. 6d. per week;—on non-payment, Prisoner to be discharged.---Discharges to be obtained by 31st March, 1763.

Persons seized of estate tail, claiming the benefit of this act, are to deliver up the same to the Creditors.

Assignees may apply for further examination of Prisoner touching the discovery of his effects, &c. and Justices may send for and examine the Prisoner accordingly.

Prisoner refusing to appear, or to answer upon oath, may be committed.

20l. per cent. allowed on discovering, within twelve months, any part of the Prisoner's estate not mentioned in the Schedule.

Discharge obtained fraudulently, void.

Creditor may compel any Prisoner charged in execution to appear at the Quarter-sessions with the copy  
of

of his detainer, and deliver in a Schedule of his estate. Repealed by 2d Geo. III. 1. 2.

Prisoner subscribing the Schedule, and making a discovery of his estate, is to be discharged.

On his refusing so to do, or concealing to the amount of 20l. &c. he is to suffer as a felon.

Where prisoner is to be compelled, notice is to be given in the Gazette, &c. that other Creditors may come in.

After Assignees shall be chosen, the estate and effects of the Prisoner are to be sold with all speed, and distribution made among the Creditors.

Disputes touching any debt to be determined by the Court, and surplus monies to be paid over to the Prisoner. Oath to be made by Prisoner compelled to deliver up his estate and effects.

He is liable also to undergo further examination for discovery of his effects on the application of the Assignees, and may, on refusal, be committed.

Persons concealing any estate or effects of Prisoner forfeit 100l. and double value, with treble costs.

Assignees, with consent of the majority in value of the Creditors, may compound for debts due to the Prisoner's estate, and may submit any dispute relating thereto to arbitration; otherwise may settle and agree the same as they shall think fit.

Assignees may be petitioned against for insufficiency, fraud, mismanagement, or other misbehaviour.

The Court thereupon is to summon the parties, and make such orders therein as they shall think fit.

Where mutual credit has been given, the balance to be stated and allowed.

Those who are prisoners upon process out of Courts of Conscience, to have the benefit of this act.

Quakers affirmation to be taken in lieu of an oath.

Persons

Persons who took the benefit of the act of the 28th Geo. II. excluded.

Mariners, and those who have been in the sea and land service, are, upon their discharge, if under 50 years of age, and approved of, to serve during the present war; and if they desert, &c. they are liable to arrest and imprisonment at suit of their Creditors.

This act not to extend to Scotland.

## XII.

### 2 GEO. III. Chap. 2. 1761.

WHEREAS an Act of Parliament was made and passed in the first year of his present Majesty's reign, entitled an Act for the Relief of Insolvent Debtors: And whereas, by the said act, any Creditor of any Prisoner committed, or who should be committed and charged in execution, is impowered to compel such Prisoner to deliver up his estate and effects, in order to his being discharged in such manner as by the said act is directed: And whereas great inconveniences have arisen from such power being given to Creditors as aforesaid: May it therefore please your Majesty that it may be enacted, and be it enacted, That, from and after the 13th of November, 1761, so much as relates to Creditors compelling Prisoners charged in execution to deliver up their estates, and to such Prisoners being discharged, shall be, and the same is, hereby repealed to all intents and purposes whatsoever.

Provided always, and be it enacted by the authority aforesaid, That this act shall not extend, or be construed to extend, to pardon, indemnify, or discharge any Person who hath incurred any penalty or forfeiture



forfeiture by committing any offence against the said act, made and passed in the 1st year of his present Majesty's reign, but that every such offender shall be liable to the forfeitures and penalties incurred, or before the said 19th of November, 1761, to be incurred, under the said act made and passed in the said 1st year of his present Majesty's reign, as if the said act had not been repealed, and had continued in full force.

## XIII.

## 9. GEO. III. Chap. 26. 1769.

WHEREAS many persons by losses and other misfortunes are rendered incapable of paying their whole debts; and though they are willing to make the utmost satisfaction they can, and many of them are able to serve his Majesty by sea or land, yet are detained in prison by their Creditors, or have been forced to go into foreign parts out of this realm: And whereas such unhappy Debtors have always been deemed the proper objects of public compassion; and by several acts of parliament have been discharged on the conditions in such acts mentioned: For the relief, therefore, of Insolvent Prisoners and Fugitives, who shall comply with the terms contained in this act to be respectively observed by them, and faithfully discover, upon oath, and deliver up and assign, all their effects and estates whatsoever for the benefit of their Creditors, and to prevent, as far as possible, the many frauds and abuses which in a great measure have obstructed the good ends of such acts; Be it enacted, That, from and after the passing this act, all and every Gaoler, &c. shall make a true, exact, and perfect List of the name or names of the Prisoners (alphabetically) in his custody for debt on 29th September, 1768,

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or since then, with the time when charged, and at whose suit. The same to be delivered in to the Quarter-sessions. The Warden of the Fleet, and Marshal of the King's Bench Prison, to take an oath on delivering in their lists. Other Gaolers the other Oath in the act specified on delivering their lists, to be administered by the Justices in court, and entered and subscribed at the bottom of each List. List to be kept by the Clerk of the Peace. Copies of the Lists to be delivered in to be fixed up in the prison, and on the gates thereof. Persons inserted in the Lists, being Prisoners, without a fraudulent intention, on 29th September, 1768, conforming to the act, to be discharged. Prisoners in custody at the time of passing the Act, who were arrested for Debt on or before 29th September, 1768, and held to bail, and surrendered themselves on or before 28th of November, 1768, on conforming to this Act shall be discharged. Justices, on petition of the Prisoner, and his delivering a Schedule of his estate, are to issue their warrant for bringing the Prisoner to the Quarter-sessions, with the warrant of detainer, and copy of the writ. Gaoler, &c. to obey such warrant. Schedule of the Prisoner's estate to be transmitted to the Clerk of the Peace for inspection of the Creditors. Prisoners, intending to petition for their discharge, are to give previous notice thereof thrice in the Gazette, and other news-papers. Contents of the notice. 2d. each time, and no more, to be paid for inserting such notices. First notice to be inserted 30 days, and the last 10 days before the Quarter-sessions. Prisoner being brought into court, due publication of the notices required being proved, is to deliver in a Schedule of his estate, debts, and Creditors. Prisoner's oath on delivering in the Schedule. Schedule and oath to be subscribed in the court, and lodged with the Clerk of the Peace for the examination

tion of the Creditors. Court, if required by the Creditor, may administer an oath to the Gaoler, or any other person, touching any of the matters prescribed to be sworn to. The Prisoner's oath not being disproved, the Court to discharge him upon paying a fee of one shilling to the Gaoler. Gaoler indemnified for the escape. Estate and effects of Prisoner, upon his discharge, to vest in the Clerk of the Peace, who is to make over the same to the Assignees named by the Court, for which he is to be paid two shillings, and no more. Assignees impowered to sue and execute any trust or power in the Prisoner's behalf, and give discharges. They are to get in, with all speed, the estate and effects of the Prisoner, and make sale of Prisoner's real estate within two months, in manner agreed upon at a meeting of the Creditors summoned for that purpose, and make a dividend within 3 months, first making up their accounts, and verifying the same upon oath. 30 Days notice to be given of making any dividend, and none to receive any share thereof but such as shall prove their debts. Debts entered to be examined into, and determined by the Court. Surplus of Prisoner's estate, after satisfying all claims therein, to go to the Prisoner. No suit in equity to be commenced but by consent of the majority in value of the Creditors. Clerk of the Peace to exhibit to the Creditor, or his Attorney, upon payment of one shilling, the schedule of the Prisoner's estate and effects. Attested copy thereof to be granted, which shall be evidence in all Courts. Clerk of the Peace refusing to produce such schedule, or to deliver a copy thereof, or taking exorbitant fees for the same, forfeits 10l. and treble costs; one moiety to the prosecutor, and the other to the poor of the parish. Assignees of copyhold and customary estates to compound with the Lord of the Manor, and to be admitted tenants thereupon. The Prisoner's right

and interest only to be affected by this act. Effects on the premises, where rent is due, are to be transferred to the Landlord, and not made over to Assignees, unless they shall agree to satisfy the Landlord. Act 8 Anne. All mortgages, statutes, recognizances, and judgments, are to take place preferable to claims of an inferior nature. Power in the Prisoner of leasing lands, &c. to vest in the Assignees. The acting Gaoler at the time of delivering the lists only to be sworn. Court, if required by a Creditor opposing the Prisoner's discharge, is to administer the following oath to the Gaoler. If such person shall not have been the Gaoler on the 29th of September, 1768, then the following oath is to be administered to him. Court, if required by a Creditor, may summon the person who acted as Gaoler on the 29th of September, 1768, or since, and examine him touching the commitment and continuance in custody of the Prisoner. Gaoler disobeying the warrant, or order of the Court, forfeits 100l. with treble costs. Debtors who were beyond the seas on the 29th of September, 1768, may surrender themselves, and take the benefit of this act upon the same terms as other prisoners, excepting such particulars wherein the cases of both differ. Fugitive's oath. Gaoler, and Printer of the Gazette or other news-papers, not complying with the act, forfeit 100l. to the Prisoners, with treble costs of suit. Gaoler convicted of perjury, forfeits 500l. with full costs of suit: one moiety to the informer, the other towards satisfying the debts of Creditors. Clerk of the Peace refusing Prisoner a copy of his discharge, or taking exorbitant fees for the same, or for assigning over the Prisoner's estate and effects, forfeits 20l. to the Prisoner. Prisoner convicted of perjury, to suffer as a felon. Persons discharged by this act, not liable to arrest for debts contracted before the 29th of September, 1768. Justices, Sheriffs,



Sheriffs, and Gaolers, may plead this act to any action of escape, or suit brought against them, and recover treble costs. Persons discharged may plead generally to all actions or judgments brought against them before the 29th of September, 1768; and in other suits may plead in discharge of their persons from execution. Plaintiff may reply generally, &c. but if non-suited, is to pay treble costs. Bankrupts, not obtaining their certificates in due time, excluded from the benefit of this act. Attornies embezzling, &c. Client's money or effects, excluded the benefit of this act. Gaoler to permit the speaking in private to Prisoners whose names are inserted in the Lists, or Gazette, &c. and examining the original Books of Entries, &c. on penalty of 40l. with costs of suit. Prisoner's future estate and effects, notwithstanding his personal discharge, liable to Creditors; wearing-apparel, bedding, and working tools, not exceeding 10l. value; excepted. Creditors may sue for the recovery of debt due at the time of the Prisoner's discharge, but not hold the Prisoner to special bail, nor take his person, wearing-apparel, bedding, or tools, in judgment: and no advantage is to be taken of the cause of action not accruing within three years, nor of the statute of limitation. Exception. Discharge of Prisoner no acquittal to the Co-partner or Sureties. Gaoler, making false entries in the Prison Book or Lists, forfeits 500l. with treble costs, over and above all other penalties for such fraud. Prisoner refusing to declare the abode, &c. of the person at whose suit he is detained, or to come to the Creditor in the Lodge, is excluded the benefit of this act. Justices for the counties of York and Lincoln to meet at the county gaols, &c. for discharge of Prisoners. Those who are Prisoners for their fees, or other demands of the Gaoler or Officer, to be discharged. Debtors to the Crown, and prisoners who  
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owe above 1000l. to one person, unless the Creditors consent, are excluded the benefit of this act. Creditors opposing Prisoners discharge, to allow him 3s. 6d. per week. On non-payment, Prisoner to be discharged. Discharges to be obtained by the 1st of August, 1771. Persons seized of an estate tail, claiming the benefit of this act, are to deliver up the same to the Creditors. Assignees may apply for further examination of prisoner, touching the discovery of his effects, &c. ; and Justices may send for and examine the Prisoner accordingly. Prisoner refusing to appear and answer upon oath may be committed. Twenty per cent. allowed on discovering, within twelve months, any part of the Prisoner's estate, not returned in the Schedule. Discharge obtained fraudulently, void. Persons concealing any estate or effects of Prisoner, forfeit 100l. and double value, with treble costs of suit. Assignees, with consent of the majority in value of the Creditors, may compound for debts due to the Prisoner's estate, and may submit any dispute relating thereto to arbitration, or otherwise may settle and agree the same, as they shall think fit. Assignees may be petitioned against for insufficiency, fraud, mismanagement, or other misbehaviour. The Court thereupon is to summon the parties, and make such orders therein as they shall think fit. Where mutual credit has been given, the balance to be stated and allowed. Prisoners, for not paying money awarded under submissions to arbitration, for not paying costs, and upon writ of Excommunicato Capiendo, &c. are intitled to the benefit of this act ; as also those who are Prisoners upon Process out of Courts of Conscience. Quaker's affirmation to be taken in lieu of an oath. Persons who took the benefit of the act of 5 Geo. III. c. 41, excluded.---This act not to extend to Scotland.

## XIV.

12 GEO. III. Cap. 23. 1772.

*An Act for the Relief of Insolvent Debtors.*

THE benefits of this act extended to those that were in prison, &c. to the first of January, 1772. The terms of it nearly the same as the last act.

## XV.

18 GEO. III. Cap. 52. 1778.

WHEREAS many persons, by losses and other misfortunes, are rendered incapable of paying their whole Debts; and, though they are willing to make the utmost satisfaction they can, and many of them are able to serve his Majesty by sea or land, yet are they detained in prison by their Creditors, or have been forced to go into foreign parts out of this realm: And whereas such unhappy Debtors have always been deemed the proper objects of public compassion, and by several acts of Parliament have been discharged on the conditions in such acts mentioned: For the relief, therefore, of insolvent Prisoners and Fugitives, who shall comply with the terms contained in this act to be respectively observed by them, and faithfully discover, upon oath, and deliver up and assign, all their effects and estates whatsoever, for the benefit of their Creditors; and to prevent, as far as possible, the many frauds and abuses which in a great measure have obstructed the good ends of such acts; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, &c. That, from and after the passing of this act, all and every Gaoler, &c. shall make out an alphabetical List of Prisoners in custody for Debt on the 28th of January, 1778, or since that date, with the time when charged, and at whose suit.

Lists

Lists to be delivered to the Quarter-Sessions.---Warden of the Fleet, &c. to take an oath on delivering in Lists.---Vide the Oath.---And all other Gaolers, on delivering in their Lists, to take the following oath. ---Oaths to be administered by the Justices in Court, and entered and subscribed at the bottom of the Lists. ---List to be kept by the Clerk of the Peace.---Three copies of Lists to be fixed up in each prison.---Persons inserted in the Lists, being Prisoners without a fraudulent intention, on the 28th of January, 1778, and conforming to this act, shall be discharged. Persons arrested for Debt, and held to bail, on or before January 10th, 1778, surrendering themselves on or before February 12, 1778, and conforming to this act, shall be discharged. Justices, on petition of any Prisoner, and his delivering a Schedule of his estate, may issue a warrant for bringing him to the Quarter-Sessions, &c. with the warrant of his detainer. Schedule of the Prisoner's estate to be transmitted to the Clerk of the Peace, for inspection of Creditors. Any Justice omitting for ten days to transmit a copy of the Schedule to the Clerk of the Peace, shall forfeit 10l. Prisoners, intending to petition for their discharge, are to give previous notice thrice in the Gazette. Contents of the notice. Two-pence to be paid each time for inserting notices. When notices to be inserted, Printer of Gazette to keep alphabetical List, &c. Every Debtor to deliver a Schedule of his estate to the Gaoler, and to declare the same in his first notice, &c. on neglect thereof to be remanded back to prison. Gaoler to attest the Prisoner's signature to his schedule, and give him a duplicate thereof; and also to give a copy to any Creditor who requests it. Gaoler, &c. on neglect, to forfeit 20l. Form of Prisoner's notice. Notice to be signed by the Prisoner, &c. Prisoner, being brought into Court, and publication of notices proved, &c. to deliver in a  
Schedule



Schedule of his estate, debts, &c. Prisoner's oath on delivering in the Schedule. Schedule and oath to be subscribed in the Court, and lodged with the Clerk of the Peace for the examination of Creditors. Court, at the request of a Creditor, may examine Gaoler, &c. on oath. The Prisoner's oath not being disproved, the Court is to discharge him, on his paying a fee of one shilling to the Gaoler, who shall be indemnified for the escape. Estate and effects of the Prisoner, upon his discharge, to be vested in the Clerk of the Peace, who is to make over the same to the Assignees named by the Court, for which he shall be paid 2s. Assignees impowered to sue, or execute any trust or power, for the Prisoner. Assignees to get in the effects of the Prisoner, and sell the same; and to sell, within two months, the Prisoner's real estate, and make a dividend within three months, first making up their accounts, and verifying them on oath. Thirty days notice to be given of making a dividend; and none to receive any share till they have proved their debts. Debts claimed, to be examined into and determined by the Court. Surplus of the Prisoner's estate to be paid to him, &c. Creditors not to suffer from any omission in the Schedule of Prisoner's estate. Proviso. On death or removal of any Clerk of the Peace, &c. Prisoner's estates to become vested in their successors. No Suit in Equity to be commenced, but by consent of the majority in value of the Creditors. Clerk of the Peace to exhibit to the Creditor, or his Attorney, upon payment of One Shilling, the Schedule of any Prisoner's estate. Attested copy thereof to be deemed legal evidence. Clerk of the Peace refusing to produce such Schedule, or to deliver a copy thereof, &c. shall forfeit 10l. and treble costs; one moiety to the prosecutor, and the other to the poor of the parish. Assignees of copyhold or customary estates, to compound with the Lord of the Manor, and to be

admitted tenants thereupon. The Prisoner's right and interest, &c. only to be affected by this act. All mortgages, &c. to take place preferable to claims of an inferior nature. Powers in Prisoners of leasing lands, &c. vested in Assignees. The acting Gaoler at the time of delivering the lists only liable to be sworn. Court, on requisition of a Creditor, to administer an oath to the Gaoler. The Oath. If such person shall not have been Gaoler on January 28, 1778, then he shall take the following oath. Court, at the request of a Creditor, may summon the person who acted as Gaoler on January 28, 1778, or since, and examine him on oath, &c. Sheriff, or Gaoler, disobeying order of Court, to forfeit 100l. with treble costs. Debtors who were beyond the seas on January 28, 1778, surrendering themselves, may take the benefit of this act upon the same terms as other Prisoners, except in certain particulars. Fugitives oath. Fugitives arrested, intending to surrender, intitled to the benefit of this act. Any Commision or Warrant-Officer, who shall surrender himself, as is herein directed for Fugitive Debtors, before June 26, 1778, shall be intitled to the benefit of this act.---Persons beyond the seas, on account of Annuities granted before Jan. 28, 1778, who shall surrender themselves as Fugitive Debtors, &c. shall be intitled to the benefit of this act. Exception. Future estates of such Debtors to be liable to payment of annuities. Gaoler; or Printer of the Gazette, &c. not complying with the regulations of this act, to forfeit 100l. for each offence, with treble costs. Gaoler convicted of perjury to forfeit 500l. with full costs, &c. Application of the penalty. Clerk of the Peace refusing a Prisoner a copy of his discharge, or taking exorbitant fees, shall forfeit 20l. to the Prisoner. Prisoner, &c. convicted of perjury, to be deemed guilty of felony. Persons discharged by the act, not liable to imprisonment for debts, &c. contracted

tracted before January 28, 1778. But no Prisoner to be discharged of debts subsequent thereto. Justices, &c. may plead this act to any action brought against them, and recover treble costs. Persons discharged may plead generally, &c. to all actions or judgments brought against them before Jan. 28, 1778, &c. and in other suits may plead in discharge of their persons from execution. Plaintiff may reply generally, &c. but if non-suited to pay treble costs. Attornies or servants embezzling money, &c. excluded the benefit of this act. Persons who by false pretences have obtained money, goods, &c. excluded the benefit of this act. Any person having sold or assigned any part of his estate or effects, after being in custody, with design to defraud his Creditors, shall lose the benefit of this act. Gaoler to permit the speaking in private to Prisoners whose names are inserted in the List, or Gazette, &c. and the examining original books of entries, &c. on penalty of 40l. with costs of suit. Prisoner's future estates, or money in the Funds, notwithstanding their personal discharge, liable to Creditors; who may sue out execution, but not against their person, or personal effects, &c. Creditors may sue for the recovery of debts due at the time of Prisoner's discharge, but not hold the Prisoner to special bail, nor take his person, &c. by any judgment recovered against him. No advantage to be taken of the cause of action not accruing within three years, &c. Exception. Discharge of Prisoner no acquittal to his partner or sureties. Gaoler making false entries in prison-book or list, to forfeit 500l. with treble costs. Prisoner refusing to declare the abode, &c. of the Person at whose suit he is detained, &c. to be excluded the benefit of this act. Justices may assemble at or near any county gaol, and hold a session there for discharge of Prisoners. The Justices for the district of

Holland, in Lincolnshire, may adjourn to the county gaol, &c. for discharging Prisoners. Justices for the county of Surry may assemble at the town-hall of Southwark for administering oaths, &c. Justices of London, Middlesex, and Surry, to assemble at their respective courts for administering oaths, &c. and to give 30 days notice of sitting to discharge Prisoners. Prisoners who are kept in custody for payment of fees, &c. to be discharged. This act not to extend to Debtors to the Crown; nor to Prisoners who owe more than 1000*l.* to one person, unless such Creditor consent. Exception. Creditors opposing Prisoner's discharge, to allow him 3*s.* 6*d.* per week; and on non-payment for two weeks, Prisoner to be discharged. Determination of Justices to be final with respect to the retention of any Prisoner; unless the Prisoner get rid of the objections for which they refused his discharge. Justices, on proof by two witnesses of objections being removed, &c. may discharge such Prisoner. Creditor intending to oppose the discharge of a Prisoner, to give him four days notice thereof, or pay the expences of his application, &c. No Fugitive to obtain a discharge after Oct. 1, 1780. Persons seized of an estate tail, claiming the benefit of this act, are to deliver up the same to Creditors. Assignees may apply for further examination of Prisoners touching the discovery of their effects; and Justices may send for and examine them accordingly. Persons refusing to appear to answer on oath, may be committed. 20*l.* per Cent. allowed for discovering, within twelve months, any part of a Prisoner's estate not comprised in his Schedule. Discharge obtained fraudulently to be void. Persons concealing any estate or effects of Prisoner forfeit 100*l.* and double value, with treble costs of suit. Assignees, with consent of the majority in value of the Creditors, may compound for debts due to the Prisoner's estate,  
and



and may submit any dispute relating thereto to arbitration. If Assignees die before the effects of the Prisoner are got in, and their heirs, &c. refuse to act, other Assignees to be appointed, and Creditors to obtain a new assignment from the Clerk of the Peace, which the Justices are to direct. Clerk of the Peace to obey the Order as if no Assignment had been made. Assignees complained against for insufficiency, fraud, mismanagement, or other misbehaviour, the Court thereupon is to summon the parties, and make such orders therein as they shall think fit. Where mutual credit has been given, the balance to be stated and allowed. Persons committed for not paying money awarded under submissions to arbitrations, and for not paying costs, &c. are entitled to the benefit of this act. Prisoners upon process out of Courts of Conscience, to have the benefit of this act. Quakers affirmation to be taken in lieu of an oath. Persons who have taken the benefit of any Insolvent Act within ten years, excluded from this act. Exception. Prisoners who have taken such benefit, and shall apply for discharge under this act, to produce to the Court a Certificate signed by a proper officer, setting forth that they are enlisted to serve his Majesty, &c. This act not to extend to Scotland. Clause of relief for Bankrupts, who have not obtained certificates and discharges of their debts. Clause with respect to Bankrupts who have conformed themselves to the Bankrupt laws. Lord Chancellor, &c. empowered to allow such Bankrupts Certificates, although not signed by four-fifths of their Creditors. No person to receive any benefit by this act, who shall, by false pretences, have obtained money, goods, bonds, &c.

T H E E N D.



